

Order

Michigan Supreme Court
Lansing, Michigan

May 25, 2012

Robert P. Young, Jr.,
Chief Justice

144302

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 144302
COA: 298262
Montcalm CC: 2009-012502-FH

BURTON DAVID CORTEZ,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the October 27, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals opinion holding that the failure to provide *Miranda* warnings did not violate the defendant's Fifth Amendment rights. We REMAND this case to the Court of Appeals for reconsideration of that issue in light of *Howes v Fields*, 565 US ____; 132 S Ct 1181; 182 L Ed 2d 17 (2012). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining question presented should be reviewed by this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 25, 2012

Corbin R. Davis

Clerk